

**APPROVED**

**SUMMARIZED MINUTES  
SCOTTSDALE CITY COUNCIL  
TUESDAY, AUGUST 31, 2004**



**CITY HALL KIVA  
3939 N. DRINKWATER BOULEVARD  
SCOTTSDALE, AZ 85251**

**CALL TO ORDER**

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, August 31, 2004 in the Kiva, City Hall, at 5:01 P.M.

**ROLL CALL**

Present: Mayor Mary Manross  
Vice Mayor Robert Littlefield  
Council Members Betty Drake, Wayne Ecton,  
Ron McCullagh, W.J. "Jim" Lane, and Kevin Osterman

Also Present: Deputy City Manager Ed Gawf  
City Attorney Joseph Bertoldo  
City Clerk Carolyn Jagger

**PLEDGE OF ALLEGIANCE**

- Vice Mayor Littlefield

**INVOCATION**

- Pastor David Hodgson, Congregational Church of the Valley

**PRESENTATIONS/INFORMATION UPDATES - None**

**PUBLIC COMMENT**

**Mike Aloisi**, 6846 N 72<sup>nd</sup> Pl, 85250, spoke in honor of recently fallen Phoenix police officers and recommended a funding campaign by all valley cities to help the families. (Council noted that [www.onehundredclub.org](http://www.onehundredclub.org) was also available for that purpose).

**Darlene Petersen**, 7327 E Wilshire Dr, 85257, expressed her appreciation of the new bus shelters being erected and hoped no advertising would take place in them.

**NOTE** IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

## MINUTES

### SPECIAL MEETINGS

Monday, June 28, 2004

Wednesday, July 7, 2004

### REGULAR MEETINGS

Tuesday, July 6, 2004

Wednesday, July 7, 2004

COUNCILMAN OSTERMAN MOVED FOR APPROVAL OF THE SPECIAL MEETING MINUTES OF JUNE 28 AND JULY 7, 2004, AND REGULAR MEETING MINUTES OF JULY 6 AND 7, 2004. COUNCILMAN MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 7-0.

## CONSENT AGENDA      ITEMS 1 - 21

ITEMS 1, 2 AND 16 WERE REMOVED FROM THE CONSENT AGENDA FOR SEPARATE ACTION, AND ITEM 12 WAS WITHDRAWN.

1.     **License Agreement for Outdoor Dining Restaurant**  
REMOVED FROM CONSENT AGENDA – SEE PAGE 6.
2.     **Bada Boom! Pasta Room Restaurant Liquor License**  
REMOVED FROM CONSENT AGENDA – SEE PAGE 7.
3.     **Radda Restaurant Liquor License**  
**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 12 (restaurant) liquor license for an existing location that previously operated with a series 12 license under the business name Nantucket Seafood & Raw Bar.  
**Location:** 7000 E. Shea Boulevard, Ste. 125  
**Reference:** 45-LL-2004  
**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)
4.     **Humphrey's Pacific Rim Restaurant Liquor License**  
**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 12 (restaurant) liquor license for an existing location currently operating with an interim permit. This location previously operated as I Love Sushi & Steak.  
**Location:** 11144 N. Frank Lloyd Wright Boulevard, Ste. E-9  
**Reference:** 46-LL-2004  
**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)
5.     **Mythos Greek Restaurant Liquor License**  
**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 12 (restaurant) liquor license for a location currently operating with an interim permit.  
**Location:** 2515 N. Scottsdale Road

**Reference:** 47-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

**6. HGM's Sports Bar & Grill Restaurant Liquor License**

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 12 (restaurant) liquor license for a location currently operating with an interim permit. This location previously operated as Victory Sports Grill.

**Location:** 7103 E. McDowell Road

**Reference:** 49-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

**7. Hand-Select Wines Wholesaler Liquor License**

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 4 (wholesaler) liquor license for an individual planning to store wine in an existing storage facility.

**Location:** 10456 N. 74th Street

**Reference:** 50-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

**8. CRU Fine Wines Beer & Wine Bar Liquor License**

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 7 (beer & wine bar) to a new location with a proposed opening date of mid-September.

**Location:** 10855 N. 116th Street, Ste. 160

**Reference:** 51-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

**9. Stan's Deli Restaurant Liquor License**

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 12 (restaurant) liquor license for an existing location.

**Location:** 7212 E. Main Street

**Reference:** 52-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

**10. Sandbar Mexican Grill Restaurant Liquor License**

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 12 (restaurant) liquor license for a location currently operating with an interim permit.

**Location:** 10050 N. Scottsdale Road

**Reference:** 54-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

**11. Coach House Tavern Extension of Premises**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for the Applicant to add a patio and to serve alcohol on the patio. This is an existing establishment.

**Location:** 7011 E. Indian School Road

**Reference:** 20-EX-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

**12. Blue Wasabi Extension of Premises**

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for an existing gated, fully enclosed patio for Blue Wasabi.

**Location:** 20751 N. Pima Road, Ste. 100

**Reference:** 25-EX-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

ITEM 12 WAS WITHDRAWN AND NO ACTION TAKEN.

**13. Valley Ho Abandonment**

**Request:** Adopt Resolution No. 6528 transferring ownership of the Main Street right-of-way as approved in Case 7-AB-2002 by City Council on November 5, 2002.

**Location:** 6850 E. Main Street

**Reference:** 7-AB-2002

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Pete Deeley, Project Coordination Manager, 480-312-2554, [pdeeley@scottsdaleaz.gov](mailto:pdeeley@scottsdaleaz.gov)

**14. Urman Residence Abandonment**

**Requests:**

1. Abandon a 164 +/- foot long section of road right-of-way along Buckskin Trail.
2. Reserve an 8-foot-wide Public Utility Easement through the abandonment area.
3. Adopt Resolution No. 6534 vacating and abandoning a public right-of-way.

**Location:** 13015 E. Buckskin Road

**Reference:** 7-AB-2004

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Al Ward, Senior Planner, 480-312-7067, [award@scottsdaleaz.gov](mailto:award@scottsdaleaz.gov)

**15. Mark Lane Abandonment**

**Requests:**

1. Abandon 20 feet of street right-of-way and 33 feet of Government Lands Office (G.L.O.) easement along a portion of Mark Lane.
2. Abandon 13 feet of G.L.O. easement along the east side of 75<sup>th</sup> Street.
3. Adopt Resolution No. 6536 vacating and abandoning a public right-of-way.

**Location:** 28455 N. 75th Street

**Reference:** 8-AB-2004

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Al Ward, Senior Planner, 480-312-7067, [award@scottsdaleaz.gov](mailto:award@scottsdaleaz.gov)

**Lyle Wurtz**, 6510 E Palm Ln, 85257, read a letter into the record from Leon Spiro, stating his opposition to the proposed abandonment. (Letter attached.)

**Tony Nelssen**, 7736 E. Redbird Rd, recommended a policy change to establish dedicated trail alignments in the Desert Foothills.

After Council discussion, staff was directed to bring back a sample policy and its implications.

Staff read an addition to Resolution 6536 into the record. The verbiage "reservation of a multi-purpose trail along the south 15 feet thereof," is to be inserted in the fourth line of the first paragraph on page two after the words "easements for all existing utilities."

**16. Cuisine D'Amis Rezoning**

REMOVED FROM CONSENT AGENDA. SEE PAGE 8.

**17. McDowell Mountain Business Park**

**Requests:**

1. Rezone from General Commercial, Planned Community Development District (C-4 PCD) to Industrial Park, Planned Community Development District (I-1 PCD) on approximately one acre and amend development standards/stipulations/site plan to case 7-ZN-2000 on a 16+/- acre parcel located at the southwest corner of 90th Street and Bahia Drive.
2. Adopt Ordinance No. 3585 affirming the above rezoning, the amended developments standards and the amended site plan/stipulations.

**Location:** Southwest corner of 90th Street and Bahia Drive

**Reference:** 8-ZN-2004

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Al Ward, Senior Planner, 480-312-7067, [award@scottsdaleaz.gov](mailto:award@scottsdaleaz.gov)

**18. School Of Real Estate and Business Rezoning**

**Requests:**

1. Rezone from Highway Commercial District, Downtown Overlay (C-3 DO) to Downtown/Office Commercial Type 2 District, Downtown Overlay (D/OC-2 DO) on an approximately one-acre parcel located at the northeast corner of Marshall Way and 2nd Street.
2. Adopt Ordinance No. 3582 affirming the above rezoning.

**Location:** Northeast corner of Marshall Way and 2nd Street

**Reference:** 10-ZN-2004

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Bill Verschuren, Senior Planner, 480-312-7734, [bverschuren@scottsdaleaz.gov](mailto:bverschuren@scottsdaleaz.gov)

**19. DC Ranch Parcels 5.9b and 5.9c Final Plat**

**Request:** Approve the Final Plat for 37 residential lots on 40 acres at DC Ranch Parcels 5.9b and 5.9c.

**Location:** DC Ranch Planning Unit 5

**Reference:** 6-PP-2003

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Tim Curtis, Project Coordination Manager, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

**20. Canyon VI at DC Ranch (Parcel 6.8) Final Plat**

**Request:** Approve the Final Plat for 43 lots on 166 acres at DC Ranch Parcel 6.8 (Canyon VI).

**Location:** Deer Valley Road Alignment, east of Saguaro Canyon Trail

**Reference:** 9-PP-2003

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Tim Curtis, Project Coordination Manager, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

**21. DC Ranch Parcel 5.9a Final Plat**

**Request:** Approve the Final Plat for a 4-lot, single-family residential subdivision on a 5+/- acre parcel at DC Ranch Planning Unit 5.

**Location:** DC Ranch Planning Unit 5 (Union Hills and 104th Street Alignments)

**Reference:** 2-PP-2004

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Tim Curtis, Project Coordination Manager, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

**MOTION AND VOTE CONSENT AGENDA**

COUNCILMEMBER DRAKE MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 3-11, 13-15, AND 17-21. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 7-0.

**THE FOLLOWING CONSENT AGENDA ITEMS WERE REMOVED FOR SEPARATE ACTION:**

**1. License Agreement for Outdoor Dining Restaurant**

**Requests:**

1. Adopt Resolution No. 6545 authorizing Agreement No. 2004-130-COS with Trilogistics Corporation for the use of approximately 684 square feet of the City of Scottsdale street right-of-way (ROW) at 4151 North Marshall Way for outdoor dining at the adjacent restaurant property.
2. Approve the erection of a three-foot high metal fence in the City of Scottsdale ROW as required by the State of Arizona to define the boundary of a liquor service area.

**Related Policies, References:**

- Section 2-221(b)(5) of the Scottsdale Revised Code allows the sale of City real property interests, including licenses, directly to adjoining property owners.
- Resolution No. 4998, adopted February 29, 2002, authorized a license with Wildchild Investments to operate outdoor dining within City ROW at 4310 North Brown Avenue. This license also served to establish evaluation criteria for outdoor dining use of public ROW.
- Resolution No. 6433, adopted January 20, 2004, authorized a license with J.E. Southwest Group, LLC at 4245 North Craftsmans Court.
- Development Review Board approved the proposed outdoor dining plans at this location on August 19, 2004.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Stanley F. Seigal, Asset Management Coordinator, 480-312-7042, [sseigal@scottsdaleaz.gov](mailto:sseigal@scottsdaleaz.gov)

A staff presentation identified and described three options available to Council in considering the outdoor dining application.

Council debate focused on:

- Obstruction of pedestrian flow during Art Walks; a fence could create a roadblock.
- The proposal did not serve a majority of the citizens.

Council discussion resulted in agreement to try the proposal (Option A) for a six-month period in an effort to keep this area of downtown viable and healthy, and for staff to work further with the applicant to modify the design.

**MOTION AND VOTE – ITEM 1**

COUNCILMAN ECTON MOVED FOR APPROVAL OF OPTION A, WITH A STIPULATION TO REVIEW THE SITUATION IN SIX MONTHS AND DIRECT STAFF TO WORK WITH THE APPLICANT TO FINE-TUNE THE DESIGN. VICE MAYOR LITTLEFIELD SECONDED THE MOTION WHICH CARRIED 6-1, WITH COUNCILMAN MCCULLAGH DISSENTING.

**2. Bada Boom! Pasta Room Restaurant Liquor License**

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a location that previously operated as Sugo Pastaria Wine bar. This location is operating with an interim permit.

**Location:** 4151 N. Marshall Way

**Reference:** 55-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

## **MOTION AND VOTE – ITEM 2**

COUNCILMAN ECTON MOVED FOR APPROVAL OF ITEM 2. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 7-0.

### **16. Cuisine D'Amis Rezoning**

#### **Requests:**

1. Rezone from Multiple-Family Residential District, Downtown Overlay (R-5 DO) to Downtown/Office Residential Type 2, Downtown Overlay, (D/OR-2 DO) on a parcel located at 6926 E. 2nd Street.
2. Adopt Ordinance No. 3583 affirming the above rezoning.

**Location:** 6926 E. 2nd Street

**Reference:** 5-ZN-2004

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Suzanne Colver, Senior Planner, 480-312-7087, [scolver@scottsdaleaz.gov](mailto:scolver@scottsdaleaz.gov)

Staff clarified an inaccuracy in the report, noting the actual D/OR-2 zoning in the area. An issue had arisen in regard to the potential of loading in the alley, which could be stipulated at the Development Review Board (DRB).

Council discussion:

- Add a stipulation to direct the DRB regarding alley loading and unloading.
- Add a stipulation directing the DRB to maintain the residential character and landscaping as viewed from the street.

## **MOTION AND VOTE – ITEM 16**

COUNCILMEMBER DRAKE MOVED FOR ADOPTION OF ORDINANCE NO. 3583, WITH AN ADDITIONAL STIPULATION TO ATTACHMENT 5 DIRECTING THE DEVELOPMENT REVIEW BOARD (DRB) TO MAINTAIN STREET ELEVATIONS CONSISTENT WITH THE RESIDENTIAL AREA, AND LANDSCAPING OF A RESIDENTIAL CHARACTER. COUNCILMAN ECTON SECONDED THE MOTION.

COUNCILMEMBER DRAKE AMENDED THE MOTION TO INCLUDE A STIPULATION DIRECTING THE DRB TO RESTRICT LOADING AND UNLOADING IN THE ALLEY. COUNCILMAN ECTON SECONDED THE AMENDMENT. THE MOTION AS AMENDED CARRIED 7-0.

## **REGULAR AGENDA – ITEM 22**

### **22. Waterford Villas General Plan Amendment and Rezoning**

#### **Requests:**

1. Approve a non-major General Plan amendment from Office to Urban Neighborhoods on a 5.45 +/- acre parcel located at 10757 N. 74th Street (northeast corner of Shea Blvd and 74th Street).

2. Rezone from Service Residential District (S-R) to Medium-Density Residential District (R-3) on a 5.45 +/- acre parcel located at 10757 N. 74th Street (northeast corner of Shea Blvd and 74th Street).
3. Adopt Resolution No. 6535 affirming the above General Plan Amendment.
4. Adopt Ordinance No. 3584 affirming the above rezoning.

**Location:** 10757 N. 74th Street (northeast corner of Shea Boulevard and 74th Street)

**Reference:** 7-GP-2004 and 7-ZN-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov), Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Tim Curtis, Project Coordination Manager, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

A presentation by staff (summarized below) and the applicant clarified all units were two stories, and that setbacks were 28-47 feet along the north side of the property, and 30-45 feet along the east side, and included landscaped buffers. All concerns of Council were resolved by this information.

### Impacts

General Plan Amendment: Office to Urban Neighborhoods

- Both existing and proposed designations provide a transition between commercial development and single-family homes
- Eliminates potential for office uses; Increases likelihood for residential development
- Potentially decreases traffic

Rezoning: S-R (Service Residential) to R-3 (Medium Density Res.)

- S-R and R-3 districts have similar allowable densities Changes max. building heights from 18' to 26'
- Maintains the transitional zone
- Proposal would create larger setbacks than S-R district requires

### Recommendation

The Planning Commission recommends approval for the General Plan amendment and rezoning, subject to the stipulations.

- Two citizens spoke in opposition to the request
- Neighborhood support petition
- The Planning Commission inquired about neighborhood input and stated that this was a project that would benefit the area.

### Requests

General Plan Amendment: From Office to Urban Neighborhoods

Rezoning: From S-R to R-3

Issues:

- Eliminates offices
- Increases height

Issues:  
Eliminates offices  
Increases height

**MOTION AND VOTE – ITEM 22**

COUNCILMAN ECTON MOVED FOR ADOPTION OF RESOLUTION NO. 6536, AFFIRMING A GENERAL PLAN AMENDMENT, AND ORDINANCE NO. 3584, AFFIRMING THE ABOVE REZONING. COUNCILMAN LANE SECONDED THE MOTION, WHICH CARRIED 7-0.

**PUBLIC COMMENT** - None

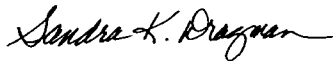
**CITY MANAGER'S REPORT** - None

**MAYOR AND COUNCIL ITEMS** - None

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 6.26 P.M.

**SUBMITTED BY:**



**Sandy Dragman**  
Recording Secretary

**REVIEWED BY:**



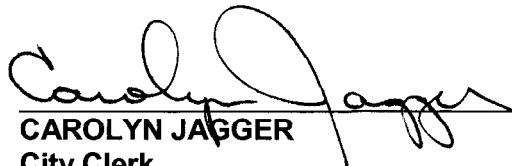
**Carolyn Jagger**  
City Clerk

**CERTIFICATE**

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 31st day of August 2004.

I further certify that the meeting was duly called and held, and that a quorum was present.

**DATED** this 8th day of September 2004.

  
\_\_\_\_\_  
**CAROLYN JAGGER**  
City Clerk

MEMORANDUM  
Typo Corrected in the August 31, 2004 Minutes

A typo was discovered and corrected on page six of the August 31, 2004 minutes of the regular Scottsdale City Council meeting. The motion to approve the Consent Agenda items was erroneously typed as:

COUNCILMEMBER DRAKE MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 3-11, 13-15, AND 17. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 7-0.

**The correct motion should have read:**

COUNCILMEMBER DRAKE MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 3-11, 13-15, **AND 17-21**. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 7-0.

October 11, 2004  
Date

Carolyn Jagger  
Carolyn Jagger, City Clerk

8-31-04

From: "leon spiro" <leonspiro@hotmail.com>  
 To: strange@globalcrossing.net  
 Cc: jsaleo@msn.com  
 Subject: 8-AB-2004

*LEON Spiro who I think many of you  
 know in France and asked me to read this  
 for the minutes. These are his words.*

City Manager Dolan: As leader of the entire Administrative Staff of the City of Scottsdale and as adviser to the City Council I submit the following material (statement) for presentation and reading to the Council and all Concerned Citizens in attendance. This is another GLO Roadway Abandonment request which I always oppose completely as was done at the time of presentation to the Planning Commission Meeting for approval/disapproval of Agenda Item 8-AB-2004. I submit the following for presentation; Council. Leon Spiro, North Scottsdale. I wish to state my opposition to Abandonment Request 8-AB-2004 and the cities GLO Roadway Abandonment policy of permitting construction, fencing and blocking of the 33 foot GLO Patented Roadway Easement which may be encumbered with a "private property right" enjoyed by all GLO Property Owners. This was deeded to this property by the Federal Classification ! Order that created this area. To abandon the "cities interest" and the "publics interest" in this easement is the cities privilege. But when the City Staff with the approval of this Council permits encroachment upon this easement, then it may libel the City of Scottsdale because of this right. Arizona State Private Property Rights Ombudsman Attorney, Attorney Mike Foster, advised the Council on 3 July 2001, to get a "legal opinion" from the Arizona Attorney General as to the legality of the the cities GLO Patented Roadway Easement Abandonment Policy. The City of Scottsdale has two prominent GLO experienced Attorneys now under contract , why not get a "legal opinion" from them and make this legal opinion available for all to see plus the Attorney General's opinion, also? Why continue this practice of permitting construction, fencing and blockage of these Federal Land Patent Reservation Easements which may be a "private property right taking" with, also! , the possibility of libeling the city. L. Spiro A GL O Property Owner and a Concerned Citizen of Scottsdale. PS: I question the Scottsdale City Report submitted to this Council as to its accuracy which has been approved by Staff Mernbrs Ed Gawf and Randy Grant regarding my statements to the Planning Commission. LS Lyle: I would appreciate if you have the time, to read this to the Council on 31 Aug. 2004. ~~Don't send me any more to Dolan for reading to the Council. I don't want anything good being said, they are now at least placing these in the minutes.~~

leonspiro@hotmail.com

*1/5*